

10/556069

1620 Rec'd PGT/PTO 08 NOV 2005

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q90909

Peter MAYRHOFER, *et al.*

U.S. National Stage Entry of  
PCT/EP2004/004721  
-filed May 4, 2004

Confirmation No.: Not Yet Assigned

Group Art Unit: Not Yet Assigned

Filed: November 8, 2005

Examiner: Not Yet Assigned

For: MINICIRCLE VECTOR PRODUCTION

**SUBMISSION OF INTERNATIONAL SEARCH REPORT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a copy of the International Search Report received in the International Application corresponding to the above U.S. Application and a PTO/SB/08 A&B (modified) listing the references cited in the Report. Upon issuing the Report, the International Bureau should send a copy of the Report and the cited references to the United States Patent and Trademark Office. However, if the Examiner would like us to obtain and file copies of the references with the USPTO, please contact the office of the undersigned attorney. The Examiner is respectfully requested to acknowledge receipt of the International Search Report.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not



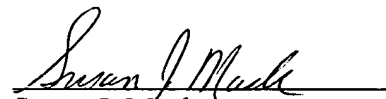
Submission of International Search Report  
U.S. National Stage Entry  
PCT/EP2004/004721  
-filed May 4, 2004

Q90909

waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Susan J. Mack  
Registration No. 30,951

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: November 8, 2005



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**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, along with a copy of the corresponding Communication from a Foreign Patent Office, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.



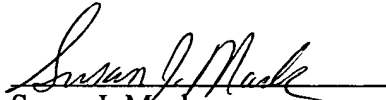
Information Disclosure Statement  
U.S. National Stage Entry of  
PCT/EP2004/004721  
-filed May 4, 2004

The present Information Disclosure Statement is being filed no later than three months from the application's filing date, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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Registration No. 30,951

SUGHRUE MION, PLLC  
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Facsimile: (202) 293-7860

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Date: November 8, 2005



Substitute for Form 1449 A & B/PTO  <b><u>INFORMATION DISCLOSURE</u></b> <b><u>STATEMENT BY APPLICANT</u></b>  <i>(use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				U.S. National Stage Entry of PCT/EP2004/004721	
				Application Number -filed May 4, 2004	
				Confirmation Number Not Yet Assigned	
				Filing Date November 08, 2005	
				First Named Inventor Peter MAYRHOFER	
				Art Unit Not Yet Assigned	
Examiner Name Not Yet Assigned					
Attorney Docket Number Q90909					
Sheet	1	of	1		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code <sup>2</sup> (if known)		

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
		WO	96/00282	A1	01-04-1996	Merck & Co., Inc.	
		WO	02/083889	A2	10-22-2002	Imperial College Innovations Limited	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation <sup>6</sup>

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or in the comment box of this document. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to indicate here if English language Translation is attached.



Substitute for Form 1449 A & B/PTO  <b>REFERENCES CITED IN THE INTERNATIONAL SEARCH REPORT</b>  (use as many sheets as necessary)				<i>Complete if Known</i>	
				Application Number	U.S. National Stage Entry of PCT/EP2004/004721 -filed May 4, 2004
				Confirmation Number	Not Yet Assigned
				Filing Date	November 8, 2005
				First Named Inventor	Peter MAYRHOFER
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		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation <sup>6</sup>
		KREISS P., <i>et al.</i> , "Production of a New DNA Vehicle for Gene Transfer Using Site-specific Recombination," <i>Applied Microbiology and Biotechnology</i> , Vol. 49, No. 5, May 1998, pages 560-567, XP001005222	
		BIGGER, BW, <i>et al.</i> , "An Arac-controlled Bacterial Cre Expression System to Produce DNA Microcircle Vectors for Nuclear and Mitochondrial Gene Therapy," <i>Journal of Biological Chemistry</i> , Vol. 276, No. 25, June 22, 2001, pages 23018-23027, XP001121110	
		LUBITZ, W, <i>et al.</i> , "Extended recombinant bacterial ghost system," <i>Journal of Biotechnology</i> , Vol. 73, No. 2-3, August 20, 1999, pages 261-273, XP004180188	
		SZOSTAK MP, <i>et al.</i> , "Bacterial Ghosts: non-living candidate vaccines," <i>Journal of Biotechnology</i> , Vol. 44, No. 1, January 26, 1996, pages 161-170, XP004036862	
		CHEN ZHI-YING, <i>et al.</i> , "Minicircle DNA vectors devoid of bacterial DNA result in persistent and high-level transgene expression in vivo," <i>Molecular Therapy: The Journal of the American Society of Gene Therapy</i> , Vol. 8, No. 3, September 2003, pages 495-500, XP002292220	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to indicate here if English language Translation is attached.